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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION
13

14 UNITED STATES OF AMERICA,) Case No. SACV 10-124-JVS
15)
Petitioner,) ORDER TO SHOW CAUSE
16)
vs.)
17)
ANTHONY PADUANO,)
18)
Respondent.)
19 _____

20 Upon the Petition and supporting Memorandum of Points and
21 Authorities, and the supporting Declaration to the Petition, the
22 Court finds that Petitioner has established its *prima facie* case
23 for judicial enforcement of the subject Internal Revenue Service
24 ("IRS" and "Service") summonses. See United States v. Powell, 379
25 U.S. 48, 57-58, 85 S.Ct. 248, 13 L.Ed.2d 112 (1964); see also
26 Crystal v. United States, 172 F.3d 1141, 1143-1144 (9th Cir. 1999);
27 United States v. Jose, 131 F.3d 1325, 1327 (9th Cir. 1997); Fortney
28 v. United States, 59 F.3d 117, 119-120 (9th Cir. 1995) (the

1 Government's *prima facie* case is typically made through the sworn
2 declaration of the IRS agent who issued the summons); accord,
3 United States v. Gilleran, 992 F.2d 232, 233 (9th cir. 1993).

4 **THEREFORE, IT IS ORDERED** that Respondent appear before this
5 District Court of the United States for the Central District of
6 California in Courtroom No. 10C:

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8
9 Ronald Reagan Federal Building and United States Courthouse
10 411 West Fourth Street,
11 Santa Ana, California 92701
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13

14 on March 8, 2010, at 10:30 a.m.

15 and show cause why the testimony and production of books, papers,
16 records and other data demanded in the subject Internal Revenue
17 Service summonses should not be compelled.

18 **IT IS FURTHER ORDERED** that copies of this Order, the Petition, Memorandum
19 of Points and Authorities, and accompanying Declaration be
20 served promptly upon Respondent by any employee of the Internal
21 Revenue Service or by the United States Attorney's Office, by
22 personal delivery or by certified mail.

23 **IT IS FURTHER ORDERED** that within ten (10) days after service upon
24 Respondent of the herein described documents, Respondent shall
25 file and serve a written response, supported by appropriate
26 sworn statements, as well as any desired motions. If, prior to
27 the return date of this Order, Respondent files a response with
28 the Court stating that Respondent does not desire to oppose the

1 relief sought in the Petition, nor wish to make an appearance,
2 then the appearance of Respondent at any hearing pursuant to this
3 Order to Show Cause is excused, and Respondent shall be deemed to
4 have complied with the requirements of this Order.

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1 **IT IS FURTHER ORDERED** that all motions and issues raised by the pleadings
2 will be considered on the return date of this Order. Only
3 those issues raised by motion or brought into controversy by
4 the responsive pleadings and supported by sworn statements
5 filed within ten (10) days after service of the herein
6 described documents will be considered by the Court. All
7 allegations in the Petition not contested by such responsive
8 pleadings or by sworn statements will be deemed admitted.

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10 DATED: This 8th day of February, 2010.

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12

13 United States District Judge

14 Presented By:

15 GEORGE S. CARDONA
16 Acting United States Attorney
17 SANDRA R. BROWN
18 Assistant United States Attorney
Chief, Tax Division

19 /s/

20 VALERIE L. MAKAREWICZ
21 Assistant United States Attorney
22 Attorneys for United States of America
23 Petitioner
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